

08/913960

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING NATIONAL PHASE OF

PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

108 Rec'd PCT/PTO 25 SEP 1997

To: The Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

(Our Deposit Account No. 03-3975)  
(Our Order No. 41015/ 242267  
C# / M#

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Atty Dkt: 242267/ MBUS1126A  
M#/Client Ref.

From Cushman Darby & Cushman

Date: September 25, 1997

This is a **REQUEST** for **FILING** a PCT/USA National Phase Application based on:

- |   |  |  |
|---|--|--|
| 1. International Application<br><u>PCT/GB96/00575</u><br>↑ country code | 2. International Filing Date<br><u>19</u> <u>MAR</u> <u>1996</u><br>Day MONTH Year | 3. Earliest Priority Date Claimed<br><u>25</u> <u>MAR</u> <u>1995</u><br>Day MONTH Year<br>(use item 2 if no earlier priority) |
|---|--|--|
4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:
- (a) ☐ 20 months from above item 3 date (b) ☒ 30 months from above item 3 date,
- (c) Therefore, the due date (unextendable) is September 25, 1997
5. Title of Invention PHARMACEUTICAL COMPOSITION CONTAINING SELECTED LANTHANUM CARBONATE HYDRATES
6. Inventor(s) MURRER, Barry Anthony et al

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. ☒ Please immediately start national examination procedures (35 U.S.C. 371 (f)).
8. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:
- a. ☐ Request;  
b. ☐ Abstract;  
c. \_\_\_\_\_ pgs. Spec. and Claims;  
d. \_\_\_\_\_ sheet(s) Drawing which are ☐ informal ☐ formal of size ☐ A4 ☐ 13" ☐ 14"
9. ☒ A copy of the International Application has been transmitted by the International Bureau.
10. A translation of the International Application into English (35 U.S.C. 371(c)(2))
- a. ☐ is transmitted herewith including: (1) ☐ Request; (2) ☐ Abstract;  
(3) \_\_\_\_\_ pgs. Spec. and Claims;  
(4) \_\_\_\_\_ sheet(s) Drawing which are:  
☐ informal ☐ formal of size ☐ A4 ☐ 13" ☐ 14"
- b. ☐ is not required, as the application was filed in English.
- c. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
- d. ☐ Translation verification attached (not required now).

11. ☒ PLEASE AMEND the specification before its first line by inserting as a separate paragraph:  
--This application is the national phase of international application PCT/GB96/00575, filed March 19, 1996 which designated the U.S.--

08/913960

12. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., before 18th month from first priority date above in item 3, are transmitted herewith (file if in English but, if in foreign language, file only if not transmitted by the International Bureau) including:
13. ☒ PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau
14. ☐ Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from the date in item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered canceled).
15. **A declaration of the inventor (35 U.S.C. 371(c)(4))**  
 a. ☐ is submitted herewith ☐ Original ☐ Facsimile/Copy  
 b. ☐ is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
16. **An International Search Report (ISR):**  
 a. Was prepared by ☐ European Patent Office ☐ Japanese Patent Office ☐ Other  
 b. ☒ has been transmitted by the international Bureau to PTO.  
 c. ☐ copy herewith (\_\_\_ pg(s).) ☐ plus Annex of family members (\_\_\_ pg(s).).
17. **International Preliminary Examination Report (IPER):**  
 a. ☒ has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.  
 b. ☐ copy herewith in English.  
 c.1 ☐ IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:  
 c.2 ☐ Specification/claim pages # \_\_\_ claims # \_\_\_  
 Dwg Sheets # \_\_\_  
 d. ☐ Translation of Annex(es) to IPER (required by 30<sup>th</sup> month due date, or else annexed amendments will be considered canceled).
18. **Information Disclosure Statement including:**  
 a. ☐ Attached Form PTO-1449 listing documents  
 b. ☐ Attached copies of documents listed on Form PTO-1449  
 c. ☒ A concise explanation of relevance of ISR references is given in the ISR.
19. ☐ **Assignment** document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.
20. ☐ Copy of Power to IA agent.
21. ☐ **Drawings:** \_\_\_ sheet(s) per set: ☐ 1 set informal; ☐ Formal of size ☐ A4 ☐ 11"
22. ☐ \_\_\_ (No.) **Verified Statement(s)** establishing "small entity" status under Rules 9 & 27
23. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the international stage based on the filing in (country) Great Britain of:
- |     | Application No. | Filing Date |     | Application No. | Filing Date |
|-----|-----------------|-------------|-----|-----------------|-------------|
| (1) | 9506126.3       | 25 MAR 1995 | (2) |                 |             |
| (3) |                 |             | (4) |                 |             |
| (5) |                 |             | (6) |                 |             |
- a. ☒ See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.  
 b. ☐ Copy of Form PCT/IB/304 attached.
24. Attached:
25. **Preliminary Amendment:**

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25.5 Per Item 17.c.3, cancel original pages #\_\_\_\_\_, claims #\_\_\_\_\_, Drawing Sheets #26. **Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1)) and other fees is as follows:**  
based on amended claim(s) per above item(s) ☐ 12, ☐ 14, ☐ 17, ☐ 25, ☐ 25.5 (hilit)

Total Effective Claims	minus 20 =	x \$22/\$11	= \$	966/967
Independent Claims	minus 3 =	x \$80/\$40	= \$	964/965
If any proper (ignore improper) Multiple Dependent claim is present,		add \$260/\$130	+	968/969

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(4)): →→BASIC FEE REQUIRED NOW→→

A. If country code letters in item 1 are not "US", "BR", "BB", "TT", "MX", "IL" or "NZ"

See item 16a re:

1. Search Report was <u>not</u> prepared by EPO or JPO	-----	add \$1040/\$520		960/961
2. Search Report was prepared by EPO or JPO	-----	add \$910/\$455	+910	970/971

**SKIP B, C, D AND E UNLESS country code letters in item 1 are "US", "BR", "BB", "TT", "MX", "IL" or "NZ"**

→ <input type="checkbox"/> B.	If neither international search fee nor international preliminary examination fee was paid to <u>USPTO</u> , -----	add \$1040/\$520	+0	960/961
(X)				
(Only)				
(one) → <input type="checkbox"/> C.	If international search fee was paid to <u>USPTO</u> but not international preliminary examination fee, -----	add \$770/\$385	+0	958/959
(Of)				
(these)				
( 4 ) → <input type="checkbox"/> D.	If international preliminary examination fee was paid to <u>USPTO</u> -----	add \$700/\$350	+0	956/957
(boxes)				
→ <input type="checkbox"/> E.	If international preliminary examination fee was paid to <u>USPTO</u> and Rules 492(a)(4) and 496(b) <u>satisfied</u> , -----	add \$96/\$48	+0	962/963

27. **SUBTOTAL = \$910**

28. If Assignment box 19 above is X'd, add Assignment Recording fee of \$40 +0 (581)

29. Attached is a check to cover the ----- **TOTAL FEES \$910**

**CHARGE STATEMENT:** The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed

Cushman Darby & Cushman  
Intellectual Property Group of  
Pillsbury Madison & Sutro LLP

1100 New York Avenue, N.W.  
Ninth Floor East Tower  
Washington, D.C. 20005-3918  
Tel: (202) 861-3000  
PNK/sdm

By: Atty: Paul N. KokulisSig: Reg. No. 16773

Fax: (202) 822-0944

Tel: (202) 861-3503

NOTE: File in duplicate with 2 postcard receipts (CDC-103) & attachments.